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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,383	03/13/2001	Kenneth Hinckley	03797.00060	1177

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EXAMINER

DINH, DUC Q

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,383

Applicant(s)

HINCKLEY ET AL.

Examiner

DUC Q DINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 10 cited the limitation “detecting the absence of the first physical presence proximate to or contacting the first auxiliary control for a second predefined period... discontinuing display the first widget, responsive to detecting the absence of the first physical presence for the second predefined period”. Although, the specification does disclose “If the user activates the control before the expiration of the brief time period, the on-screen display would not be displayed in response the user contacting the control” (pages 53, lines 15-17). However, there is no support for the claimed limitation above. The applicant should point out where the features are disclosed in the specification if believed otherwise. The examiner examines the application based on the best understanding of the claimed language.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-19 and 27, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belzer et al. (U. S. Patent No. 5,905,493), hereinafter Belzer in view of Naughton et al. (U. S. Patent No. 6,020,881), hereinafter Naughton.

In reference to claim 1, Belzer discloses a computer system in Fig. 13 including a keyboard 224 having a function keys (corresponding to the auxiliary control) as shown in Fig. 1. When the email key is selected (physical presence contacting a first auxiliary) a chat application appears on the screen as shown in Fig. 2 (generating feedback to the step of detecting, indicating the functionality of the chat application of plurality of applications on the Internet console is activated). Belzer does not disclose the physical presence is detected for a predefined period. Naughton discloses a input system in which to select an object, the user touching to the object with a finger (physical contact) for a predetermined of time the object becomes selected. (col. 16, lines 26-36).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to learn the teaching of Naughton, i.e., selecting object if the object is in the physical

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contact in a predetermined of time, for the system of Belzer, for the system to distinguishes the accidental touching the object with the selection function.

In reference to claims 2 and 31, Naughton discloses the sound is uses as feedback when the object is selected (col. 11, lines 61-64).

In reference to claim 3, Naughton discloses the mouse system in the keyboard is used as the video game controller (col. 1, lines 35-40).

In reference to claim 5, Naughton discloses the visual and/or sound feedback is provided.

In reference to claims 6 and 27, Belzer discloses the Internet buttons and the mouse buttons is in the inactive state when not selected.

In reference to claim 7, Belzer discloses the display screen in Fig. 2 and a window 163 responsive to the step of detecting the physical contact with the chat key.

In reference to claim 8, Belzer discloses that the color-coding scheme can be further redefined. (col. 13, line65-66)

In reference to claim 9, refer to the rejection as applied to claim 1. In addition, Belzer the chat window in Fig. 2 identified a text macro associated with the Chat Key on the keyboard.

In reference to claims 10-15, Belzer discloses upon receiving Libraries form the second Internet key the Chat Window is discontinued display on the screen. (Fig. 4) and the display when the Chat key is selected, the Chat Window is display again (Fig 3). And the user can control switch between Chat and Libraries using the Mouse (second auxiliary is the first auxiliary control) 120 to switch between applications.

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In reference to claims 16-17, Belzer discloses each the color coded button is used a second function key which corresponding to each instructional icons on the screen to launch to the next application and/or new window as feedback to the user (see Fig. 6-7).

In reference to claim 18, refer to the above rejections. In addition, Fig.4-5 of Belzser shows that the feedback for selecting the color coded button providing information of the weather topic indicating the combination of the first and second control and/or when the new topic option is selected.

In reference to claim 19, Belzer discloses in Fig. 1-4 that after selecting Chat key on the keyboard to enter the Chat application, the user the color coded button to further go to the next application as desire.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 20-26 and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Belzer.

In reference to claims 20-25, Belzer discloses in Fig. 1-2 and 13 the keyboard system (corresponding to the auxiliary control) and a display device 238 and circuitry in Fig. 13 for displaying associated programs when the control system detects the user's physical contacting

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with the Internet buttons and color coded button on the keyboard. In addition, Belzer discloses the text “Chat” and “what would you like to talk about?” is provided as a tool tip that associated with the selected Chatting Window that indentifies the application Chat will be launched by activating the Chat button on the keyboard, satisfying the claimed limitations.

In reference to claim 26, Belzer discloses the applications in Fig. 2-12 satisfying the claimed limitation.

In reference to claims 28-29, Belzer discloses upon receiving Libraries form the second Internet key the Chat Window is discontinued display on the screen. (Fig. 4) and the display when the Chat key is selected, the Chat Window is display again (Fig 3). And the user can control switch between Chat and Libraries using the Mouse (second auxiliary is the first auxiliary control) 120 to switch between applications.

7. Claims 4 and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Belzer and Naughton as applied to claims above and further in view of Barber et al. (U. S. Patent No. 5,973,760), hereinafter.

In reference to claim 4 and 30, the combination of Belzer with Naughton does not disclose the feedback includes tactile feedback. However, Barber discloses a tactile feedback system for a input device.

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to provide the Barber’s tactile controller in the device of Belzer and Naughton for providing additional feedback for the system to detect the cursor is at the boundary of a graphical object for precisely selecting the graphical object.

Response to Arguments

8. Applicant's arguments, see pages 7-12 of the Request For Reconsideration, filed April 30, 2004, with respect to the rejection(s) of claim(s) 1-31 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Belzer, Naughton and Barber as above.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUC Q DINH whose telephone number is (703) 306-5412. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edouard Patrick can be reached on (703) 308-6725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DUC Q DINH
Examiner
Art Unit 2674

February 18, 2004

DQD



PATRICK N. EDOUARD
PRIMARY EXAMINER